

RECEIVED

Gff

MAY - 8 2008 *aw*

MAY 9 2008

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

AMENDMENT TO petition for writ of HABEAS CORPUS
Person In STATE custody Emergency Temporary preliminary
Injunction Relief,

CASE NO. 08c-2289

Judge: ANDERSEN
MAGISTRATE: Judge COX

Plaintiff did not have A fair opportunity To litigate The issue of Lack of probable cause for arrest, or use of EXCESSIVE unreasonable force and physical brutality used by police officer SCHOBBER, W #20542, police officer ORTIZ BC #10016 (PCOE936), officer #11161 FLORES JR, H (PCOS171) Assisting officer #20711 PECK JR, RE (PCON160) SEE EXHIBIT 2 ARREST report To confirm officers Identification, and Star number who used EXCESSIVE force and physical brutality The defendant received pain and suffering for NO wrongdoing by these officers who planned Among each other To use physical brutality In violation of The EIGHT AMENDMENT cruel and unusual punishment clause unnecessary Wanton Infliction of pain Against the defendant public defenders Richard PAULL, and Deana Binstack, who were assigned To represent plaintiff In The beginning of this case failed To litigate The issue of EXCESSIVE force Because These attorney Including plaintiff public defender Now Quentin Pittluck All participated and conspired as Aid-abettors and had a Meeting of The minds

2.)

with police officers in Agreement To cover up police Abuse having Knowledge of this unlawful tortious activity and police misconduct committed by officers Acting under color of state law and Racially motive police officers planned To falsely Arrest plaintiff And falsely imprisoned plaintiff when officers illegally seized plaintiff Non consensual from his place of resident AT the time being in violation of The Fourth Amendment, and Fourteenth Amendment of The United States constitution which prohibits such Seizures police having the knowledge that the evidence of DNA Evidence of this case Identified and Match someone else officers maliciously, sadistically for very purpose of Causing harm knowingly planned TO use unnecessary unreasonable Force TO SEIZE A Non consensual DNA buccal swab from plaintiff Taken as A results of A beating by use of unreasonable force received by police and TO intentionally secure A false line-up Identification which plaintiff suffered physical Injuries And plaintiff was Denied Medical Attention by police police force was used for the purpose of causing harm in a Specific intent To beat spit on plaintiff and TO intentionally harass plaintiff by using racial epithets causing humiliation on plaintiff plaintiff suffered a deprivation life and liberty and in violation of The First Fourth and Fourteenth Amendment because police used Psychological Mental abuse and Verbal Harassment there was

Evidence TO Establish probable cause For a warrant less Arrest
plaintiff did NOT have A opportunity TO present Evidence on his behalf
TO Establish That There was NO probable cause For plaintiff arrest
Because Richard paulL, Deana Binstock, judge linn Taylor scOTT, State
Prosecutors Nancy wilder Assistant State Attorney Geri D' Souza knowingly
violated the law Misused Thier power Because they were clothed
With the authority of State law These defendants acted jointly
TO deprive plaintiff of his Liberty and purposely ignoring exculpatory
Sources of evidence, and distorting and falsifying facts of this case
The administrative process with the bad faith intention of having plaintiff
Indicted acting without probable cause public defenders Richard paulL
and Deana Binstock falsified The true Facts of this case Then
After thier False evidence was ~~presented~~ improperly TO The
Courts, and improperly Admitted INTO Evidence These attorneys
Withdrewled from This case These attorneys Engaged in the
Commission of a fraudulent crime and Failed TO disclose TO The

Courts The True facts of The commission of this crime and
Concealed, and corrupted, and misrepresented This evidence that has NOT
been revealed TO The tribunal because the DNA evidence if NOT illegally
Removed from the chain of DNA custody and illegally thrown away the
results and the proceeding of this case would have been different
if NOT for counsel serious errors who illegally removed from evidence
in A Agreement with police officers who illegally removed from the chain
of DNA custody in Agreement by other conspirators with The participation
of public defenders, and states Attorneys, because of Thier racism and
prejudice Aided and abetted and allowed police TO illegally
throw Away The sexual Assault kit, and vaginal swabs, and The
victims clothing, And pair of panties That had SEMEN SAMPLES OF

Evidence of someone else that was collected on April 19, 2005 by a trained personnel at The Lincoln Park Hospital see Exhibit one to confirm this answer to discovery verify that a personnel from Lincoln Park Hospital examined this victim pg. 3 indicates that medical reports were made based on the examination that was done by the trained personnel from The Lincoln Park Hospital those medical reports before being illegally removed from the court records of this case by public defender, Richard Paul, and Deana Binstock, and illegally thrown away verified that a personnel at The Lincoln Park Hospital trained by The Illinois State Police Forensic Crime Lab the personnel while conducting their examination after the attack the reports stated that the personnel used a kit to collect evidence the personnel used a Q-tip like swab to collect semen from inside the victim's vagina after examination of the victim's vagina the presence of semen was found on the swab and that swab was collected as evidence and was preserved by the personnel at the hospital on April 19, 2005 the victim's panties worn during the attack and her cloths worn during the attack was also collected and preserved as evidence on April 19, 2005 because the presence of semen was found on the cloth, and a large semen sample was found on the panties for DNA typing to make a valid comparison the evidence was forward to K. Behle forensic Biologist who examined the vaginal swab that showed the presence of semen and the victim's panties her Lab notes made on 5/25/05 stated that after K. Behle Biologist examined the sexual assault kit the vaginal swab and the victim's panties a large semen sample was found on the swab and panties to make a valid comparison

K. BEHLE On 6/9/05 Made a Laboratory report that stated That she made comparison with The material gathered from The KIT and The large SEMEN Sample from The panties She Developed A A, B, O Blood group Substance on The Vaginal swab, and SEMEN Sample on The panties To ascertain The blood type of The assailant The Test conducted Isolated a male DNA profile, profile of someone else Already Identified in federal codis convicted offender Index Biologist K. BEHLE used The current version of codis for DNA comparison To Determine A match K. BEHLE submitted The profile she Developed from The evidence collected at The hospital she Compared it To The DNA profile stored in federal codis convicted Offender Index which contains DNA profiles, of felony sex offenders and violent offenders DNA profiles and a match was Made between The evidence sample collected at The hospital and A stored profile of A known sex offender, or violent criminal profile Already in Federal Codis After The sample was submitted in codis for Identification purposes The computer software automatically searched The federal Codis convicted offender index and a Genetic profile match of someone

else was confirmed and The computer Identified specifically That Assailant plaintiff was NEVER obligated by law To give A DNA sample For A conviction of A felony sex offense, or violent crime Because plaintiff has NEVER committed A sex offense Therefore plaintiff does NOT have A DNA profile In federal codis convicted offender Index were counsel Richard PAULL, and Deana BINSTOCK said this match was found And Judge linn plaintiff was excluded as The source of The of The SEMEN samples found in The examination At The Lincoln park hospital police had knowledge of This evidence Before they falsely Arrested plaintiff, including Counsel plaintiff did not have A opportunity To litigate This issue in The state court

because Richard PAULL, and Deana Binstock Because of their racial bias, and conflict of interest assisted and aided the police to illegally destroy this exculpatory evidence from the chain of custody that was removed and illegally thrown away, and counsel concealed from the courts this evidence because both counsels had an agreement with these other conspirators to inflict wrong on plaintiff judge linn having the power to prevent the commission of this same neglects refuse to do so having the knowledge of the wrongful conspired done refuse to stop this wrongful act because of his racism and prejudice against plaintiff judge linn has disregarded these facts and participated as a aid and abettor to this conspiracy to inflict wrong against plaintiff because judge linn allowed police officers to illegally throw away the DNA evidence that was recovered at the hospital after being removed from the DNA chain of custody Richard PAULL and Deana Binstock having a agreement with the minds of police having knowledge of this fact conspired with police and offered evidence that the lawyer knew to be false to cover up police abuse, the false arrest, and to continue to act in concert, having knowledge of police tortious unlawful activity participated to deprive plaintiff of his constitutional right having the knowledge that fabricated false criminal charges were put on plaintiff on the basis of false police reports

done by police to cover up their abuse of misconduct, and false arrest and to make this arrest look legit Richard PAULL filed a false attorney work product document, and false reports knowing they were false to support this conclusion look at exhibit look at exhibit one attorney work product sheet done by Richard PAULL knowing this evidence was false wrote falsely to mislead plaintiff and deceive the courts that on 4/22/05 E.T arrives at the

victims home College Dorm AT 1:46am and recovered a pair of female underwear stating falsely in other reports with plaintiff SEMEN stain on the underwear Richard PAULL offered this evidence knowing it was false to frame plaintiff with a crime and knowing that the original evidence was collected at the hospital on April 19, 2005. NOT 4/22/05 TO support the conclusion of what type of evidence is in inventory # 10520806 look at EXHIBIT 1.) page 3 states that A women's pair of underwear was put in inventory 10520806 matching the same inventory numbers counsel then in agreement with the prosecutors of this case BOTH to conceal the DNA match of someone else presented falsely to the courts that a pair of panties was recovered from the victims home days later with plaintiff SEMEN sample on it to conceal the fact that the vaginal swab kit showing and matching the profile of someone else that was NOT plaintiff and to conceal the fact that the original panties were illegally thrown away because that evidence exonerated plaintiff depriving plaintiff of a fair trial counsel then filed and presented false reports, and false testimonies to the court unfairly misstating, and misinterpreting, the DNA results to conceal the match of someone disregarding the truth of the DNA evidence, TO SECURE a wrongful conviction

Richard PAULL, and Deana Binstock then offered this false testimony to the court presenting the wrong profile AT A motion to Squash Arrest hearing to determine the legality of this arrest held on 03-13-07 to support this conclusion please review motion transcripts if the true facts would've been revealed to the courts probable cause for plaintiff arrest would have NOT been found because probable cause was lacking

BOTH public defenders Richard PAULL and Deana Binstock has embarrassed hindered, and obstruct, The court in The Administration of justice To lessen its Authority dignity To bring The Administration of law into disrepute, and disrespect. Richard PAULL, and Deana Binstock prevented from being known and hide from The courts Important Identification That if presented To the courts would've also showed Misidentification at a line-up held illegally by police. Richard PAULL failed To litigate This issue unfairly at The Motion To suppress Identification hearing held on 03-13-07 And plaintiff was Denied a full And fair hearing because Richard PAULL and Deana Binstock conspired in Agreement with police and improperly removed and destroyed The original police report That provided a detail physical description of Someone else of The actual offender who committed this crime which clearly EXONERATED plaintiff DEANA BINSTOCK, and Richard PAULL illegally removed, and DESTROYED The original police reports that Identified Someone else from the record files of this case in Agreement with police To inflict wrong on plaintiff and to Continue these unfounded criminal charges on plaintiff Because

They were serious discrepancies between the original description and The plaintiff actual description did NOT match at all plaintiff did not have A opportunity To litigate this issue in The state court because the joint partnership between the judge, counsel and police and state attorney conspired in Agreement and because judge linn repeatedly ignored and refused To let plaintiff litigate This issue because he has already made his decision in his mind to wrongfully convict plaintiff without hearing any further Arguments from plaintiff defense To continue To engage as A Aid and abettor and To continue To engage in dilatory and obstructive Tactics and falsification of evidence To continue

To conceal the DNA Match of Someone else and the true facts 9)
• of this crime and to conceal evidence of thier involvement in
• The planning of These fabricated criminal charges To cover up
thier self-protection for the crimes They have committed jointly
with a reviewing of The records of this case which plaintiff
is requesting The federal courts To review The records
of this case To discover that The original report that
Identified The Actual offender who committed this crime
Physical description proves that The victim had a opportunity
To view The Actual offender while committing this crime for
a long period of time under good lighting condition when the crime
Occured AT THE TIME The victim reported this crime her
description was based on the offender who assaulted her who
was really close To her because The witness gave To police
A detail physical description with full concentration of her offender
The report indicated before being illegally thrown away by counsel
And police Internal Affair investigator Sergeant Kane who removed
The original report while conducting A internal Affair False arrest
investigation on police misconduct, The witness looked closely to

The offender facial description because she reported To police in a
Detail description The offenders facial description that did not resemble
plaintiff and identified The offenders TEETH as yellow and crooked
AT THE time of reporting this crime She also reported To police because
She exercised A high degree of attention To The offenders body
Apperance and identified To police in detail The offenders
Anchor tattoo on The Right side of his neck, Anchor tattoo on
his Right Shoulder, And Anchor TATTOO on his Back She also identified
his eye color, and weight, NOSE, Skin complexion different than
plaintiff Richard paul, and Deana Binstock Acting jointly

Filed A False document and concealing and destroying The description that identified the actual offender Anchor tattoo on his right side of the neck, anchor tattoo on his back, and Anchor tattoo on his right shoulder, These attorneys removed and illegally destroyed this important identification that proves someone else committed this crime Richard Paul and Deana Binstock unfairly removed this description from the record files of this case and illegally threw it away for this reason these attorneys did not raise this issue regarding this important identification These attorneys then filed a false document with a false description that incriminated plaintiff and presented to the courts at the probable cause hearing the courts then secured a false description that was improperly admitted into evidence if this would have been litigated and not illegally destroyed the results of the proceeding of this case would have been different and misidentification at the line-up would've have shown

police intentionally to secure a false line-up identification knowing that there was a DNA match on someone else and that plaintiff did not resemble at all the physical description of the offender police were looking for manipulated a incorrect identification police unnecessarily showed a single photograph to the victim to support this conclusion look at exhibit 1 Answer to Discovery in page 3 Inventory 10683372 photo spread Advisory form police told the victim to pick me out of a single photo that was shown to her and told her that I will be in a line-up after they lied to her and told her that I was identified through DNA knowing that a showing of a photo was unnecessary because someone else was identified through DNA

and that I did not resemble the physical description at all of 11) the offender police were looking for and the person she identified. The photographic display was such as improperly suggestive because the witness who saw the photograph of the defendant saw me in flesh at the line-up and the procedure was so unnecessary and impermissibly suggestive to a very substantial likelihood of irreparable misidentification because police showed a single photograph of plaintiff and suggested the victim to pick me out of a line-up plaintiff did not have a opportunity to litigate this issue in the state court because counsel falsified and presented to the courts a fabricated description and this issue was not raised by counsel plaintiff addressed this issue to the courts in a motion requesting for a Bar Association Attorney other than a public defender and the judge has disregarded these facts because of his racial conflict against minority, and racial bias against plaintiff plaintiff was denied due process of law at the line-up the courts abuse of discretion when improperly admitted the misidentification of a line-up also prior to the line-up police manipulated a line-up by allowing the victim to see plaintiff in handcuffs before the line at the police station knowing that plaintiff did

not resemble the description of the attacker in certain key detail that she identified plaintiff does not have any anchor tattoo on his shoulder, or any anchor tattoo on his back or any anchor tattoo on his right side of his neck, moreover plaintiff does not have yellow crooked teeth for this reason and engagement of conspiracy counsel illegally removed this description from the files of the records of this case

and did not raise this important Identification at all in The court
To cover up police abuse plaintiff was denied due process at the
line-up which was unnecessary suggestive and conducted to
mistaken Identification The states attorney intend To use this
false identification at trial To secure a wrongful conviction
with The witness false testimony plaintiff requested for
counsel at the line-up and was Denied counsel by police in
violation of The 6th amend plaintiff did not have a opportunity
To litigate this issue in the state courts Because all
These defendants named in this petition are all in agreement
with each other To inflict wrong on plaintiff and have ignored
This exculpatory sources counsel participated and agreed to
ratify such actions and should be liable for unlawful conduct
and participated as an aid and abettor in the destruction
of evidence, fabrication of false documents To deprive plaintiff
of his civil rights and participated in helping prepare police
A false arrest report shown in exhibit 2 To deceive the
minds of those who observe it These conspirators wanted

closure To this case for this reason counsel had an agreement
of the minds with police simply To frame people of minority To crimes
they did not commit Acting under color of state law police falsified
The true facts of this crime when they filed illegally a
false arrest fabricated arrest report illegally with the clerks
office This document was NOT stamped and dated or timed
indicating when this arrest report and by whom was this
report filed and entered into the court records of
this case police filed this false arrest report with the assistance
of the judge and counsel judge linn assisted counsel Richard,

PAULL and Deana Binstock TO FILE A FALSE Stipulation Document with the Aid and assistance of The state attorney who filed this Document illegal with the clerks office stating The same False Story in these False documents these conspirators filed illegally The arrest report does not state the Date, Time and by whom Entered the Document. TO The court records of this case This Document was NOT stamped by the clerk of the Circuit court indicating when The Document was Legally entered into the records Including the False Stipulation Document Done by State Attorney in Exhibit 3 for plaintiff could be subjected TO False criminal charges in A bad Faith prosecution on the basis of this False evidence based on the false information Police provided the prosecutors in the False arrest reports Then State's attorney Geraldine D Souza, Richard PAULL and Deana Binstock stipulated falsely and offered this evidence In Exhibit 3 knowing to be False, Fraud, untrue Falsifying The Facts of A DNA Match on SOMEONE ELSE This fabricated False Stipulation Document, and reports that were filed falsely were done intentionally knowing TO cause a False Arrest, False imprisonment, and malicious prosecution in violation Of the 4th Amendment Right and 14th Amendment Right This was done on purpose to assist and allow Taylor Scott a Forensic Scientist falsely and fraudulently TO Engage in unlawful conduct and falsify the DNA evidence of this case by filing False fabricated DNA Reports illegally with the clerks office NOT stamped and dated by the clerk indicating the Date time the Document was entered in record to support this Conclusion look at exhibit 7 which Taylor Scott presented

this False testimony TO the courts knowing it was false
presenting the wrong profile STATE prosecutors TO continue
A bad Faith prosecution in participation with Taylor Scott unlawful
ACT having the knowledge that Taylor Scott fabricated false
DNA reports showing the wrong profile TO continue a bad faith
prosecution STATES attorney and counsel stipulated falsely presenting
the wrong profile judge Linn found probable cause on
Taylor Scott False Testimony presenting the wrong DNA profile
on purposely because judge Linn has Aid and Abetted and
planned with Agreement with these other defendants in a
Conspiracy crime that Linn participated in Also falsification
of Documents because of his Racial bias TO minority
judge Linn allowed this tortious ACT to occur without
having thoughts TO prevent this Because Linn has Also
planned TO fabricate false criminal charges on plaintiff
and participated in concealing the true facts of this
crime obstructing justice and repeatedly ignored exculpa
tory sources, and misrepresented the facts of a DNA
match of someone else and conspired with others TO
Deprive plaintiff of Liberty judge Linn hid these
facts and ignored them rather than solve the
fact of misconduct committed by these wrongdoers

who conspired TO Deprive plaintiff of Liberty TO bring
down and destroy and frame minority people for NO
wrongdoing and TO frame minority people TO crime they
did NOT commit by falsification of evidence plaintiff
repeatedly Ask for DNA testing since Day one of this
crime and repeatedly was Denied testing TO show his
innocence by counsel and this impartial judge because
of Racism After testing was Denied

Judge Lim stated repeatedly there is nothing more plaintiff (S) could do in this case because he has already made his decision to wrongfully convict plaintiff on the basis of manufactured false evidence, and perjured testimonies and a false identification secured by police, and a illegal seizure of a DNA buccal swab taken unreasonable by the results of a bedding given by police to plaintiff which that buccal saliva swab was placed on the pair of panties that was different after the original pair of panties and the sexual assault kit and vaginal swab was illegally destroyed by being thrown away intentionally by police for this reason counsel wrote falsely and presented to the courts that plaintiff semen sample was recovered 3 days later on a pair of panties recovered from the victims college dorm 3 days later knowing this was false because plaintiff buccal swab was placed on a pair of panties that were NOT the original pair of panties

recovered at the hospital by a trained sexual assault personnel who examined the victim plaintiff request the federal court to apply if possible a forensic examiner to test and inspect this evidence in the possession to support plaintiff conclusion this was done on purposely by police for plaintiff DNA characteristics could show up after this pair of panties was tested counsel then misleading told plaintiff that a pair of panties was recovered

From the victims home 32 days later After this crime was committed before he told plaintiff the victims pair of pants was recovered 3 days later from the victims college dorm Counsel Richard pull then told plaintiff and showed him Lab reports that stated that K. Behle confirmed a DNA match of a known offender Identified through Federal Codis Computer database system plaintiff then told counsel and showed the Codis case law that states that the Codis Federal System has DNA profiles of Felony sex offenders and violent offenders DNA profiles plaintiff proved to counsel he does not have a DNA profile under the Federal Codis convicted offender Index because he NEVER gave or was obligated to give by law a DNA sample for a conviction of a sex crime or violent crime therefore plaintiff should not be in Codis Federal Counsel then illegally removed from the record files of this case the Lab reports, and other DNA documents that Identified the match that was confirmed of a known sex offender, or violent criminal and Aided Taylor Scott to file a fabricated false document that

stated falsely A search of the Illinois DNA Index on Sept 12, 2005 resulted in a computer match between Specimen number 005-23506 1BFA and Illinois convicted offender Specimen number 104-050571 See Exhibit 7 knowing this was the wrong profile Taylor Scott wrote falsely A misleading letter to Kathleen Kozak

The misleading letter only proves that Taylor Scott engaged in grossly incompetent work and based on his false letter and reports states that his test results are so unreliable that the DNA evidence and his false testimony should not have been admitted plaintiff did not have a opportunity to litigate this issue because judge linn and counsel to inplot wrong against plaintiff has ignored and disregarded these facts because of thier racial bias Against minority and Engagemnt of conspiracy without this perjured testimony given to the courts by Taylor Scott, and without this Fabricated false letter, And reports Done by unlawful Means The proceeding of this case would have been different without this incriminating false DNA evidence Taylor Scott Engaged in bias lab work and false incriminations to help prosecutors obtain wrongful convictions by presenting wrong profiles The Stipulation document shows the Flawness of this case And False arrest According to the Stipulation Document Made by Fraud Means in Taylor Scott preliminary search he Needed verification by Kathleen Kozak the CADIS Administrator To verify and confirm plaintiff profile Match was correct Taylor Scott Filed A False report stating falsely that plaintiff was the donor of the evidence without No verification by Kathleen Kozak that Taylor Scott False computer Match was correct with reviewing this case Federal courts Could discover that there was NO Lab notes or Laboratory reports in The records of this case

that verified and confirmed that taylor scott computer profile match of plaintiff was correct counsel had knowledge of this fact and stipulated untrue by offering evidence that was false according to the stipulation document verification and confirmation made by kathleen kozak was necessary to determine if this was the correct profile before it was released to Law Enforcements Also to confirm, and verify that this conclusion existed there is no existence of this wrong profile match because kathleen kozak did not re-examine this evidence before application of probability theory to the results in forming a conclusion to taylor scott opinion and testimony presented to the courts also stated according to the stipulation document that after confirmatory DNA analysis of the new buccal swab a laboratory report is generated which report the suspect a possible donor of the evidence sample these ambiguous conclusion such as likely or probable that samples have a common source do not reach the degree of certainty required by of experimental, testimony in the scientific field Richard paul and Deana Binstock having knowledge of this fact falsely offered evidence knowing to be false when they stipulated to untrue evidence Taylor scott fabricated false report has no probative value And including the stipulation document has no probative value Since their testimony or document did not reflect the background data necessary for the formation of valid conclusions according to the stipulation document Taylor scott needed verification and confirmation to confirm that his opinion was correct

because he could NOT confirm a conclusive match of plaintiff because plaintiff was exonerated of the DNA evidence and Taylor Scott knowing this offered evidence that was false stating that his test results resulted in a computer profile match of plaintiff and the evidence sample knowing this was false Taylor Scott falsely incriminated plaintiff and started his interpretations in a misleading matter to secure a wrongful conviction allegedly rigging plaintiff to this crime knowing that test results and their interpretations should be reported and presented in an accurate fair, complete, and clear manner designed to ensure the highest degree of certainty of accuracy and reliability, Taylor Scott moreover did not present these results even though there false in mathematical ratio, knowing that DNA evidence of a match should be reported in mathematical ratio, knowing that the power of the DNA evidence lies in the statistical degree of population that two people will share or not share the

same band pattern the frequency with which that particular set of alleles appears within a population must be determined, this is the most significant controversial and complex step in the procedure Taylor Scott did not follow this procedure his mere guess of a match to plaintiff DNA profile has no probative value because the probability was NOT estimated because they were unreported problems with the statistical calculations found

That Taylor Scott failed to report on purposely Taylor Scott
Failed to follow correct procedures for computing statistical
frequencies before presenting the wrong DNA profile to Law
Enforcement without verification or confirmation, the true
fact that there was a DNA match on someone else was
NOT raised in court because those results were
relatively stronger and more convincing results that
supported plaintiff innocence and false arrest by showing
plaintiff was NOT the source of the evidence Taylor
Scott concealed this exonerating evidence and presented false
fabricated DNA results in a misleading matter to deprive
plaintiff of a fair trial stating incorrect results from the
Randy Sample his reports only indicate that his
experiment failed for this reason he REQUEST the
CODIS Administrator to verify and correct, and finish
his experiment and retest his experiment to determine
if he was correct his experiment only indicated an
essential element of the scientific method and his
false test results has failed to grasp an essential
element of the scientific method and engagement of
incompetent work and should be treated invalid
Taylor Scott falsely testified to a match without
citing statistics knowing that the statistical probability
of a match is necessary to have a meaning

to the trier of fact Taylor Scott DNA results were speculative guessing possible results knowing his experiment was correct According to the false stipulation he did not have enough information to verify or confirm or to be certain that plaintiff was the donor of the evidence According to the stipulation document Taylor Scott has no authorization to confirm a match or make any decisions Moreover DNA does not pinpoint an exact match of an individual's unique genetic code but rather identifies a pattern of DNA that would be shared by only a small percentage of the population and could not confirm a suspect as the perpetrator with 100 percent certainty Taylor Scott falsely presented plaintiff's wrong profile pin printing an exact match without mathematical terms to deprive plaintiff of a fair trial and his civil rights plaintiff did not have the opportunity to litigate this issue in the state court because these defendants acted jointly to deprive plaintiff of his federal civil rights and liberty on purposely ignoring exculpatory sources of evidence distorting and falsifying these facts and distorting corrupting the administrative process with bad faith intentions

For plaintiff own protection plaintiff is requesting
For the Federal courts to protect plaintiff Against
Erosion of plaintiff right to be free from wrongful
restraint upon plaintiff Liberty because plaintiff is
unjustly imprisoned for no wrongdoing and plaintiff is
illegally detained on the purpose of falsified Documents
And perjured testimony that are intend to be used at
trial to obtain a wrongful conviction plaintiff is held
in custody in violation of the constitution plaintiff has
been incarcerated Awaiting trial for 2 years and 4
months on the basis of false Documents that were
illegally filed with The clerks office plaintiff is
requesting the Federal courts to grant plaintiff
the relief he is entitled to immediate release and
dismissal of these charges if petition granted

These conspirators violated clearly the following
well established Federal constitutional rights of
plaintiff

There was no probable cause for the arrest of plaintiff
No legal cause or excuse to seize the person of
plaintiff violation of the Fourth Amendment Rights
And Fourteenth Amendment to be free from unreasonable
Search and seizure There was no legal cause to
seize DNA evidence from plaintiff and no reason to
seize DNA evidence in violation of the 4th Amendment
illegally search and seizure invasion of privacy

the action of officers violated clearly established and well settled Federal constitutional right a. Freedom of Unreasonable Seizure of person b. Freedom From The Use of Excessive Unreasonable and unjustified Force Against his person c. False arrest, and False imprisonment, Taylor Scott conspired among all parties to Engage in falsification of evidence As a Aid and Abettor to frame plaintiff with a crime he did not commit Done by Intentionally racially motive to bring down and destroy people of minority race in violation of the 14th Amendment Equal protection Laws and in violation of the First Fourth Fifth, Eight, Ninth Thirteenth, and Fourteenth Amendment for participating and planning in Agreement with others defendants Judge linn, public defenders Richard paul, Deard Binstock, officers, and states Attorneys and these defendants failed to prevent wrong perpetrated for these defendants participating in Intentional

Deprivation of plaintiff civil Rights and planning a False arrest and False imprisonment Under the The First, Fifth, and Fourteenth Amendment and for Failure to prevent the alleged conspiracy and illegal Acts knowing that plaintiff is innocent prosecutors And police maliciously prosecuted plaintiff to Deprive plaintiff of Liberty

34.)

WHEREFORE THE PLAINTIFF REQUEST
THAT THIS COURT APPOINT COUNSEL TO
PLAINTIFF BECAUSE PLAINTIFF IS A LAYMAN
TO THE LAW AND A ATTORNEY IS
NECESSARY IN PLAINTIFF REQUEST
PLAINTIFF REQUEST ALSO THAT THE
FEDERAL COURTS INVESTIGATE THIS CASE
AND DISMISS THIS CASE DUE TO
THE FALSE ACCUSATIONS, AND FALSE ARREST
AND DUE TO THE FACT THAT PLAINTIFF
IS ILLEGALLY DETAINED

Respect Fully Submitted

Luis A. Martinez

EXHIBIT 4

Timothy C. Evans
Chief Judge

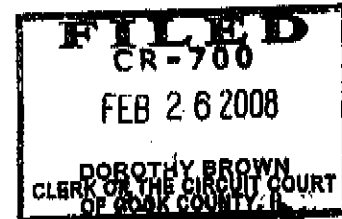
Circuit Court of Cook County
Criminal Courts Administration Bldg.
2650 S. California Avenue, Room 1001
Chicago, IL 60608

Mathew S. Markos, M.D.
Director

Phone 773-869-6100
Fax 773-869-2371
TDD 773-869-7605

February 14, 2008

The Honorable James B. Linn
Judge of the Circuit Court of Cook County
Criminal Courts Building, Room 700
2600 S. California Avenue
Chicago, IL 60608



RE: People of the State of Illinois
vs.
LUIS MARTINEZ
Case No: 06 CR 03231
Due Date: February 26, 2008

Dear Judge Linn:

Pursuant to Your Honor's Order, I evaluated the defendant on January 10, 2008 and on November 8, 2007.

Based on clinical evaluation and review of records, my opinions, to a reasonable degree of medical and psychiatric certainty, are as follows:

The defendant is presently **FIT TO STAND TRIAL WITH MEDICATIONS**. He understands the charges against him and the nature and purpose of legal proceedings. He is able to assist in his defense.

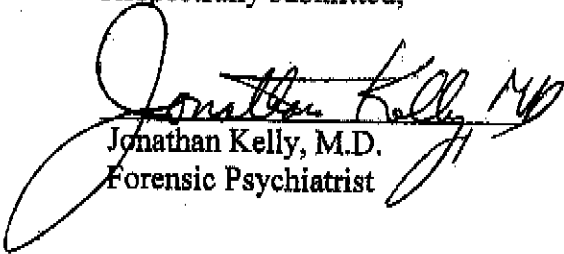
The defendant is presently on antipsychotic medication (Risperdal 6 mg per day) and antidepressant medications (Trazodone 150 mg per day and Zoloft 100 mg per day). He does not have side effects that interfere with his fitness to stand trial. He needs to continue his medications, in order to maintain adequate remission of his Schizoaffective Disorder and to maintain his fitness to stand trial.

I do not have an opinion on sanity. The defendant is inconsistent in his account of his past mental state and there is lack of sufficient data in records to render an opinion with a reasonable degree of medical and psychiatric certainty.

The defendant **WOULD HAVE BEEN ABLE TO UNDERSTAND HIS MIRANDA RIGHTS** when questioned by the police.

Thank you for the opportunity to evaluate this defendant. If you have any questions, please contact me at Forensic Clinical Services.

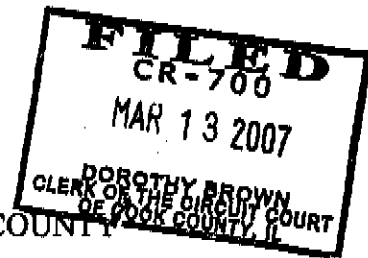
Respectfully submitted,


Jonathan Kelly, M.D.
Forensic Psychiatrist

JK: la

Exhibit 8

STATE OF ILLINOIS)
) SS
 COUNTY OF COOK)



IN THE CIRCUIT COURT OF COOK COUNTY
 CRIMINAL DIVISION

PEOPLE OF THE STATE OF ILLINOIS)
)
 -vs-) No. 06-CR-3231
)
 LUIS MARTINEZ)

MOTION TO QUASH ARREST AND SUPPRESS EVIDENCE

Now comes the petitioner, LUIS MARTINEZ, by his attorney, EDWIN A. BURNETTE, Public Defender of Cook County, through his assistants RICHARD PAULL and DEANA BINSTOCK and prays that this honorable court quash his arrest suppress all the evidence obtained, illegally, in violation of his 4th Amendment Rights of the United States Constitution and Article I, Section 6 of th State of Illinois Constitution. Specifically, but not limited to, petitioner seeks to suppress any statements attributed to him, the evidence and testimony of the lineup identification of petitioner, the DNA evidence of petitioner, which was developed, as a result of the buccal swab.

In support thereof, petitioner states as follows:


1. On or about 1/26/06 at 13:30 hours, petitioner was arrested at Madden Health Center, Chicago, Illinois by Chicago police officers W. Schober #20542 and B.C. Orbitz #10016.
2. At the time of his arrest, petitioner was not doing anything that would give rise to probable cause or reason to affect an arrest.
3. The Chicago police department had neither warrants nor consent for the arrest.

4. The DNA Database/CODIS HIT of petitioner on 9/1/05 constitutes mere suspicion and is insufficient basis to affect the arrest of petitioner.
5. Petitioner further states that there was no probable cause to arrest him, because he has been improperly included in the DNA Database promulgated under 730 ILCS 5/5-4-3(2002).
6. Petitioner also states that he never gave consent to provide a buccal swab and that the consent form that was signed by him is invalid.
7. The original description of the offender provided by the witness at the time of reporting the offense was dramatically different from the identifiers actually belonging to this defendant.

WHEREFORE, petitioner prays that this court set this matter down for an evidentiary hearing to determine the facts as alleged above and rule in favor of petitioner to exclude the following: statements attributed to petitioner, evidence and testimony of the lineup identification of petitioner, evidence of the buccal swab, and the DNA evidence of petitioner, which was developed, as a result of the taking the buccal swab and any other evidence obtained as a result of this improper arrest.

Respectfully submitted,

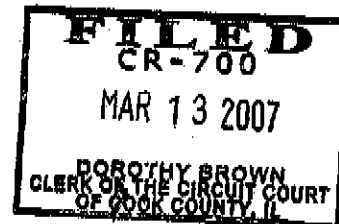
EDWIN A. BURNETTE
Public Defender of Cook County



BY: RICHARD PAULL and
DEANA BINSTOCK
Assistant Public Defenders - 30295

Exhibit 9

STATE OF ILLINOIS)
) SS
 COUNTY OF COOK)



IN THE CIRCUIT COURT OF COOK COUNTY
 CRIMINAL DIVISION

PEOPLE OF THE STATE OF ILLINOIS)
)
 -vs-) No. 06-CR-3231
 LUIS MARTINEZ)
)

MOTION TO SUPPRESS IDENTIFICATION TESTIMONY

Now comes the defendant, LUIS MARTINEZ, by his attorney, EDWIN A. BURNETTE, Public Defender of Cook County, through RICHARD PAULL and DEANA BINSTOCK, Assistant Public Defenders, and moves this Honorable court to enter an order suppressing certain identification testimony of witnesses that the State has indicated will be called to testify against him.

In support of said motion the defendant states as follows:

1. That he was arrested on or about January 26, 2006 at Madden Health Center.
2. That certain of the witnesses specifically Molly Grierson, were allowed to view an improperly conducted line-up in that:
 - a. The composition and construction of the photographic display and/or lineup was such as to improperly suggest identification of the accused as the perpetrator of the offense, i.e., the disparity in age, height, weight, dress, complexion and other distinguishing characteristics; as well as the inadequate number of subjects presented for comparison was improperly conducive to the misidentification of the accused;
 - b. That prior to said confrontation the accused was not advised by the police and/or government officials that he had a right to have an attorney present during such confrontation;

- c. That said confrontation took place outside the presence of counsel after the accused had expressly requested that his counsel be present at the witness-suspect confrontation;
3. That the actions of the police and/or government officials was unnecessary under the facts and circumstances of this case and that for the reasons stated and as will be developed at the hearing on this motion, these actions were unnecessarily conducive to mistaken identification.

WHEREFORE, LUIS MARTINEZ prays that this Court suppress:

- a. Any reference to the pre-trial identification of the accused by such witnesses who were involved in the improper pre-trial identification;
- b. The in-court identification of the accused by such witnesses as were involved in the improper pre-trial identification inasmuch as such identification is the product of the improper pre-trial identification unless the State shows by clear and convincing evidence that the in-court identification is not tainted and is fully independent of improper pre-trial identification procedures.

Respectfully submitted,

EDWIN A. BURNETTE
Public Defender of Cook County



BY: RICHARD PAULL and
DEANA BINSTOCK
Assistant Public Defenders - 30295

Certificate of Service

I Luis Martinez swear under penalty of Perjury that I served a copy of that ATTACHED documents on Michael W. DOBBINS Clerk of the UNITED STATES District Court of ILLINOIS by placing it in the mail at The Cook County Correctional Center on 4-28-08